

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

FILED

2008 JUN 24 P 3:44

UNITED STATES OF AMERICA

E-FILING

V.

CRIMINAL COMPLAINT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
S.D. OF CALIF.

Juan Manuel SILVA-Quesada

08-70382 RST

(Name and Address of Defendant)

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, June 8, 2008, in Santa Clara County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

6/24/08

Date

at

San Jose, California

City and State

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Juan Manuel SILVA-Quesada

A74 180 776


I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Juan Manuel SILVA-Quesada (AKA: Juan Manuel SILVA), is a 33 year-old single male whose DOB is currently understood to be March 28, 1975. He is a citizen and native of Mexico as substantiated by a statements made to that effect by the DEFENDANT on June 10, 2008 during an interview that was initiated at Santa Clara County Jail by ICE Immigration Enforcement Agent (IEA) Joseph Oidem of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 74 180 776, FBI number of 566234VA0, California Criminal State ID Number of A10463153 and PFN Number DFG386;
- (3) On September August 16, 1993, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offenses of: VOLUNTARY MANSLAUGHTER, a felony, in violation of California Penal Code Section 192(a) and ASSAULT WITH A FIREARM, a felony, in violation of California Penal Code Section 245(a)(2) and sentenced to (12) years and (4) months in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (4) On October 5, 1993, the DEFENDANT was convicted in the Superior Court of California/County of Santa Clara, for the offenses of: BATTEREY, a misdemeanor, in violation of California Penal Code Section 242/243(A) and sentenced to (5) days in jail;
- (5) On November 12, 1997, the DEFENDANT was convicted in the Superior Court of California, Solano County, for the offense of FORCE/ADW NOT A FIREARM:GBI LIKELY, a felony, in violation of California Penal Code, Section 245(A)(1) and sentenced to (2) years in jail. This offense occurred while this DEFENDANT was incarcerated at Solano State Prison on the abovementioned charges. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F);
- (6) On February 7, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Francisco, California, and ordered removed from the United States to Mexico;

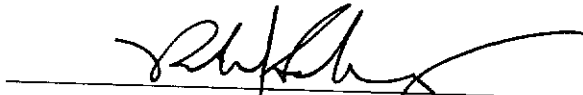
RE: Juan Manuel SILVA-Quesada

A74 180 776

- (7) The DEFENDANT, on a date unknown, but no later than June 8, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and removals/deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, Section 1326. On June 10, 2008, the DEFENDANT was interviewed by (IEA) Oidem at the Santa Clara County Jail, San Jose, CA, and during the interview, the DEFENDANT was read his **Miranda** rights in the English language;
- (8) The DEFENDANT'S official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (9) On June 10, 2008, the DEFENDANT'S fingerprints were taken as part of the standard booking procedures. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with fingerprints of Juan Manuel SILVA-Quesada (AKA: Juan Manuel SILVA) (A74 180 776) on official documents in his Administrative File. The latent print examiner determined that the fingerprints were identical and related to Juan Manuel SILVA-Quesada (AKA: Juan Manuel SILVA) (A74 180 776).
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the Defendant is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24th day of June, 2008


Richard Seeborg
UNITED STATES MAGISTRATE JUDGE